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Attorney(s) for Defendant Wal-Mart Stores, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARGARET PICUS, an individual; on behalf of
herself, and on behalf of all others similarly
situated,

Plaintiffs,

v.

WAL-MART STORES, INC.; MENU FOODS
INC.; DEL MONTE FOODS COMPANY;
SUNSHINE MILLS, INC.; CHEMNUTRA,
INC.; and DOES 1 through 100, inclusive,

Defendants.

CASE NO. 2:07-cv-00689-PMP-LRL,
consolidated with
2:07-cv-00682-PMP-LRL (base file) and
2:07-cv-00686-PMP-LRL

**DEFENDANTS WAL-MART STORES,
INC.'S AND SUNSHINE MILLS, INC.'S
MOTION TO DENY CLASS
CERTIFICATION**

Pursuant to Fed. R. Civ. P. 23(c)(1), Defendants Wal-Mart Stores, Inc. ("Wal-Mart") and Sunshine Mills, Inc. ("Sunshine") respectfully move the Court for an order denying certification of the putative class proposed by Plaintiff Margaret Picus. As grounds for this motion, Wal-Mart and Sunshine state as follows:

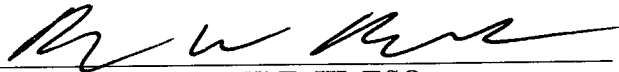
Denial of certification is appropriate on the face of Plaintiffs' allegations. Plaintiff's purported class cannot be certified because it would be unmanageable, individual legal and factual issues swamp any common questions, Plaintiff cannot define an identifiable class of claimants without requiring the Court to undertake impermissible individual inquiries into the mindset of each putative class member and classwide resolution would not be a superior method of adjudication.

* * *

1 For the reasons set forth above, as more fully explained in the accompanying
2 Memorandum of Points and Authorities, Wal-Mart and Sunshine respectfully request the Court
3 issue an order denying class certification.

4 DATED this 14 day of December, 2007.

5 **SANTORO, DRIGGS, WALCH,**
6 **KEARNEY, HOLLEY & THOMPSON**

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